

May 12, 2011

**NOTICE OF COMPETITIVE LEASE SALE  
OIL AND GAS**

The Colorado State Office is offering competitively 5 parcels containing 5281.5 acres of Federal lands in the State of Colorado for oil and gas leasing. This notice provides:

- the time and place of the sale,
- how to participate in the bidding process,
- the sale process,
- the conditions of the sale,
- how to file a noncompetitive offer after the sale,
- how to file a presale noncompetitive offer, and
- how to file a protest.

Attached to this notice is a list of the lands being offered by parcel number and legal land description. We have included stipulations that apply to each parcel.

**When and where will the sale take place?**

**When:** The competitive oral sale will begin at 9 a.m. on August 11, 2011. The sale room will open one hour earlier to allow you to register and obtain your bid number. Registration begins at 8 a.m.

**Where:** The sale is held at the Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215. Parking is available.

**Access:** The sale room is accessible to persons with disabilities. If assistance is needed for the hearing or visually impaired, contact Karen Zurek at (303) 239-3795.

**How will the sale be conducted?**

The sale will be conducted by oral auction. You must make your bids verbally. The winning bid is the highest verbal bid equal to or exceeding the national minimum acceptable bid.

**How do I participate in the bidding process?**

To participate in the Bureau of Land Management (BLM) bidding process, you must register and obtain a bidder number. If you are bidding for more than one party, you must register and obtain a separate bidder number for each company or individual you represent. The BLM will begin registering bidders at 8 a.m. on the day of the sale.

When you register to bid, you will be required to show a valid government-issued photo identification (ID) to verify your identity. If you do not provide a valid photo ID, you will not be allowed to register as a bidder and participate in the auction.

You will be asked to sign a statement to confirm that any bid you cast will represent a good faith intention to acquire an oil and gas lease and that you understand that any winning bid will constitute a legally binding commitment to accept the lease and pay monies owed. Further, you will acknowledge that you understand it is a crime under 18 U.S.C. 1001 and 43 U.S.C. 1212 to knowingly and willfully make any false, fictitious or fraudulent statements or representations regarding your qualifications, bidder registration and intent to bid, acceptance of a lease, or payment of monies owed; and that any such offense may result in a fine or imprisonment for not more than 5 years or both. You will also acknowledge that you understand that it is a crime under 30 U.S.C. 195 (a) and (b) to organize or participate in any scheme to defeat provisions of the mineral leasing regulations. Any person who knowingly violates this provision will be punished by a fine of not more than \$500,000, imprisonment for not more than 5 years, or both.

If you, or the party you represent, owe the United States any monies that were due the day of a previous oil and gas lease auction conducted by any BLM office (the minimum monies owed the day of sale), you will not be allowed to register to bid at this lease sale. The Mineral Leasing Act requires that leases be issued to a "responsible qualified bidder" (30 U.S.C. 226(b)(1)(A)). Any bidder, or party represented by a bidding agent, that does not pay the minimum monies owed the day of the sale is not a "responsible qualified bidder" and will be barred from participating in any oil and gas lease auction nationwide until that debt to the United States is settled. In addition, if you or the party you represent defaults at any three sales conducted by any BLM office, you or the party you represent will be barred permanently from participating in any other BLM oil and gas lease sale auction.

### **What is the sale process?**

Starting at 9 a.m. on the day of the sale:

- the auctioneer will offer the parcels in the order they are shown in the attached Lease Sale Notice;
- all bids are on a per-acre basis, rounded up to whole acres, for the entire acreage in the parcel;
- the winning bid is the highest oral bid equal to or exceeding the minimum acceptable bid; and
- the decision of the auctioneer is final.

The minimum acceptable bid is \$2 per acre. If a parcel contains fractional acreage, round it up to the next whole acre. For example, a parcel of 100.401 acres requires a minimum bid of \$202 (\$2 x 101 acres).

### **How long will the sale last?**

We begin the sale at 9 a.m. and it continues until all of the parcels in this Lease Sale Notice have been offered. The length of the sale depends on the number of parcels we are offering and the pace of the bidding. Normally, the sale is completed by noon.

### **What conditions apply to the lease sale?**

- **Parcel withdrawal or sale cancellation:** We reserve the right to withdraw any or all parcels before the sale begins. If we withdraw a parcel, we will post a notice in the State Office Information Access Center (Public Room). If we cancel the sale, we will try to notify all interested parties early enough to stop them from traveling to the sale site.
- **Fractional interests:** 43 CFR 3120.1-2(c) If the United States owns less than 100 percent of the oil and gas mineral interest for the land in a parcel we will show that information with the parcel. When we issue the lease, it will be for the percentage or fraction of interest the United States owns. However, you must calculate your bonus bid and advance rental payment on the gross acreage in the parcel, not the United States net interest. For example, if a parcel contains 200 acres and the United States owns 50 percent of the oil and gas mineral interest, the minimum bonus bid will be \$400 (\$2 x 200 acres) and the advance annual rental will be \$300 (\$1.50 x 200 acres) for the first 5 years and \$400 (\$2 x 200 acres) for the remainder of the lease term. Conversely, your chargeable acreage and royalty on production will be calculated on the United States net.
- **Payment is due on the day of the sale:** You cannot withdraw a bid. Your bid is a legally binding contract. For each parcel you win, you must pay the minimum bonus bid of \$2 per acre or fraction of an acre, the first year's advance rental of \$1.50 per acre or fraction of an acre, and a non-refundable administrative fee of \$145. You must pay these monies at the sale site or by 4 p.m. at the Colorado State Office. You must pay any remaining balance due by **4 p.m. on August 25, 2011**, which is the tenth working day following the sale. **If you do not pay the balance due by this date, you forfeit the right to the lease and all money paid the day of the sale.** If you forfeit a parcel, we may offer it at a future sale.

The minimum monies owed on the day of the sale for a winning bid are monies owed to the United States (43 CFR 3120.5-2(b) and 43 CFR 312035-3(a)). If payment of the minimum monies owed the day of the sale is not received by the date and time above, the BLM will issue a bill for the monies owed. If payment then is not received by the bill due date, a demand letter will be sent to you that will include additional fees. If payment is not received as requested by the demand letter, the U.S. will immediately pursue collection by all appropriate methods, and when appropriate, collect late fees, interest, administrative charges, and on past-due amounts assess civil penalties. "All appropriate methods" include, but are not limited to, referral to collection agencies and credit reporting bureaus, salary or administrative offset, offset of Federal and state payments, including goods or services, Federal and state tax refund offset, and retirement payment offset. Debts may be sent to the Internal Revenue Service and charged as income to you on Form 1099C, Cancellation of Debt (Federal Claims Collection Act of 1966, as amended; The Debt Collection Improvement Act of 1996, 31 CFR 285, Debt Collection Authorities Under the Debt Collection Act of 1966).

- **Form of payment:** You can pay by:

personal check, certified check, money order, or credit card (Visa, MasterCard, American Express, and Discover cards only).

**Effective February 1, 2005**, BLM will not accept credit or debit card payments to the Bureau for an amount equal to or greater than \$100,000. We also will not accept aggregated smaller amounts to bypass this requirement. **Colorado BLM will no longer accept payments by Automated Clearing House (ACH) or Fed Wire Transfers.**

We cannot accept cash. Make checks payable to: **Department of the Interior-BLM**. If a check you have sent to us in the past has been returned for insufficient funds, we may require that you give us a guaranteed payment, such as a certified check. If you pay by credit card and the transaction is refused, we will try to notify you early enough so that you can make other payment arrangements (If you plan on submitting your payment on the day of the sale using a credit card please be sure that you call and notify your bank). However, we cannot grant you any extension of time to pay the money that is due the day of the sale.

- **Bid form:** On the day of the sale, if you are the successful bidder, you must give us a properly completed and signed competitive bid form (Form 3000-2, dated August 2007 or later) with the required payment on the day of the sale. This form constitutes a legally binding offer by the prospective lessee to accept a lease and all its terms and conditions. Once the form is signed, you cannot change it. *We will not accept any bid form that has information crossed out or is otherwise altered.*

We recommend you get a copy of the bid form and complete all but the parcel number and money part before the sale. You can fill out the money part at the sale. Your completed bid form certifies:

- (1) that you and/or the prospective lessee are qualified to hold an oil and gas lease under our regulations at 43 CFR 3102.5-2; and
  - (2) that both of you have complied with 18 U.S.C. 1860, a law that prohibits unlawful combinations, intimidation of and collusion among bidders.
- **Federal acreage limitations:** Qualified individuals, associations, or corporations may only participate in a competitive lease sale and purchase Federal oil and gas leases from this office if such purchase will not result in exceeding the State limit of 246,080 acres of public domain lands and 246,080 acres of acquired lands (30 U.S.C. 184(d)). For the purpose of chargeable acreage limitations, you are charged with your proportionate share of the lease acreage holdings of partnerships or corporations in which you own an interest greater than 10 percent. Lease acreage committed to a unit agreement or development contract that you hold, own, or control is excluded from chargeability for acreage limitation purposes.

The acreage limitations and certification requirements apply for competitive oil and gas lease sales, noncompetitive lease offers, transfer of interest by assignment of record title or operating rights, and options to acquire interest in leases regardless of whether an individual, association, or corporation has received, under 43 CFR 3101.2-4, additional time to divest excess acreage acquired through merger or acquisition.

- **Lease terms:** A lease issued as a result of this sale has a primary term of 10 years. It will continue beyond its primary term as long as oil or gas in paying quantities is produced on or for the benefit of the lease. Rental at \$1.50 per acre for the first 5 years (\$2 per acre after that) is due on or before the lease anniversary date each year until production begins. Once a lease becomes producing, royalty of 12.5 percent must be paid. You will find other lease terms on our standard lease form (Form 3100-11, October 2008). (**Note:** You may copy the lease form, but if you copy an obsolete lease form, your offer will be rejected. The copy you make must be legible.)
- **Split Estate:** Information regarding leasing of Federal minerals overlain with private surface, referred to as “Split Estate,” is available at the Washington Office website provided below. A Split Estate brochure is available at this site. The brochure outlines the rights, responsibilities, and opportunities if private surface owners and oil and gas operators are in the planning, lease sale, permitting/development, and operations/production phases of the oil and gas program.

[www.blm.gov/bmp/Split\\_Estate.htm](http://www.blm.gov/bmp/Split_Estate.htm)

- **Stipulations:** Stipulations are part of the lease and supersede any inconsistent provisions of the lease form.

**Stipulations for parcels located within Forest Service boundaries can be viewed at** the following website by selecting the bulleted item for Stipulations and Maps for Forest Service Administered Parcels under the sale date:

[http://www.blm.gov/co/st/en/BLM\\_Programs/oilandgas/leasing.html](http://www.blm.gov/co/st/en/BLM_Programs/oilandgas/leasing.html)

- **Lease issuance:** After we have received the bid form and all monies due, the lease can be issued. The lease effective date is the first day of the month following the month in which we sign it. If you want your lease to be effective the first day of the month in which we sign it, you must ask us in writing to do this. We have to receive your request before we sign the lease.

**Legal Land Descriptions:** We prepared the Notice with land status information from our Legacy Rehost 2000 (LR2000) case recordation system. We are providing you with the following information to assist you in understanding the legal descriptions given for each parcel:

The township and range contains additional zeros. For example, T. 9 S., R. 92 W., is shown as, T. 0090S., R. 0920W. (additional zeros underlined).

Lands are described separately by lots, tracts, minor aliquot parts, aliquot parts, and exceptions to survey for each section.

**Cellular Phone Usage:** Cellular phones are not allowed to be used in the sale room. Please remember to silence your phones before the sale begins.

**Other Conditions of the Sale:** At the time the sale begins, we will make any rules regarding sale procedures that we feel are necessary for the proper conduct of the sale.

**Mailings and Deliveries:** All mailings and deliveries to the Bureau of Land Management must have return addresses or we won't be able to accept delivery of them.

## **NONCOMPETITIVE OFFERS TO LEASE**

### **How do I file a noncompetitive day-after-sale offer after the sale?**

Parcels that do not receive a bid are available on a first-come, first-served basis for a two-year period beginning the day after the sale. If you want to file a noncompetitive offer on an unsold parcel, you must file in this office:

- an offer to lease form (Form 3100-11, dated October 2008) properly filled out and signed. The lands in your offer must be described as specified in our regulations at 43 CFR 3110.5; and
- your remittance for the total of the \$375 filing fee and the advanced first year's rental (\$1.50 per acre). Remember to round up any fractional acreage when you calculate the amount of rental.

We will have a drop box in the payment room. All offers, filed the day of a sale and the first business day after it are considered filed simultaneously. When a parcel receives more than one filing by 4 p.m. on the day after the sale, a drawing is held to determine the winner. A presale offer has priority over any offer filed after the sale. After the day-after-sale drawing, any parcels remaining are available for a period of two years. Offers receive priority as of the date and time of filing in this office.

### **How do I file a noncompetitive presale offer?**

Under our regulations at 43 CFR 3110.1(a), you may file a noncompetitive presale offer for lands that:

- are available,
- have not been under lease during the previous one-year period, or
- have not been included in a competitive lease sale within the previous two-year period.

If we do not get a bid for the parcel that contains the lands in your presale offer, it has priority over any offer for that parcel filed after the sale. Your presale offer is your consent to the terms and conditions of the lease, including any additional stipulations.

If you want to file a presale offer you must file in this office:

- an offer to lease form properly filled out and signed. The lands in your offer must be described as specified in our regulations at 43 CFR 3110.5; and
- your remittance for the total of the \$375 filing fee and the advanced first year's rental (\$1.50 per acre). Remember to round up any fractional acreage when you calculate the amount of rental.

### **When is the next competitive oil and gas lease sale scheduled?**

We have tentatively scheduled our next competitive sale for **NOVEMBER 10, 2011**. Expressions of Interest (EOI's) cutoff for the February 9, 2012, Sale is June 20, 2011. Expressions of Interest cutoff for the May 10, 2012, Sale is September 19, 2011. We can make no guarantee as to when a given parcel will be offered for competitive sale. We will try to put EOI's on the earliest possible sale.

### **How do I file an Expression of Interest (EOI)?**

An Expression of Interest (EOI) is an informal nomination to request that certain lands be included in an oil and gas competitive lease sale. This request must be made in writing or can be E-mailed to:

co\_leasing\_info@blm.gov

No filing fee or rental is required with an EOI. We are required (43 CFR 3120.4-2) to post the Notice of Competitive Sale 90 days prior to the sale. The oil and gas plats also must be notated with the parcels 90 days prior to the sale. This is a very complicated and lengthy process. Please keep this in mind when making future plans regarding a federal oil and gas lease.

As of August 8, 1995, all BLM offices must hold as confidential the names of all parties that file an informal EOI until 2 days following the last day of the competitive sale, or in other words, until the next day following the conclusion of the noncompetitive day-after-the sale filings. Make sure your EOI contains the minimum following information:

- your name or company name with mailing address and telephone number
- complete legal land description

Effective immediately, if you are submitting an informal Expression of Interest (EOI) which includes split estate lands (private surface/Federal minerals), you must provide, with the EOI, the name and address of current private surface owners(s) along with your EOI. The Bureau of Land Management (BLM) will send a courtesy letter to the surface owners(s) providing notice of the scheduled auction as well as information about the BLM's regulations and procedures for Federal oil and gas leasing and development on split estate lands.

In the future, an EOI which includes split estate lands that does not provide the name and address of the surface owner(s) will not be processed by the BLM. In addition, any EOI which is currently pending in a BLM State Office will not be placed in the Notice of Competitive Lease Sale until the required information is provided.

#### **How can I find out the results of this sale?**

We will post the sale results in the State Office Information Access Center (Public Room) and on our public Internet site when we have compiled them. You may buy a printed copy of the results list for \$5 plus \$5 for postage and handling from the Information Access Center. The list will also be available on our public Internet site:

[http://www.blm.gov/co/st/en/BLM\\_Programs/oilandgas/leasing.html](http://www.blm.gov/co/st/en/BLM_Programs/oilandgas/leasing.html)

### **PROTEST INFORMATION**

**Protests for the August 11, 2011, Competitive Oil & Gas Sale must be received by**

**4:00 P.M. on June 13, 2011**

#### **May I protest BLM's decision to offer the lands in this Notice for lease?**

Yes, under regulation 43 CFR 3120.1-3, you may protest the inclusion of a parcel listed in this lease sale notice. All protests must meet the following requirements:

- The BLM Colorado State Office must receive a protest no later than close of business on the 30th calendar day after the posting of the notice of the lease sale. No protests should be received by BLM District or Resource Area Offices. All protests must be received by the Colorado State Office, located at 2850 Youngfield St., Lakewood, CO 80215. If the State Office is not open on the 30th day after the posting of the sale notice, a protest received on the next day our office is open to the public will be considered timely filed. Close of business for the Colorado State office is **4:00 p.m.** which is when the Information Center (Public Room) closes. The protest must also include a statement of reasons to support the protest. **We will dismiss a late-filed protest, a protest filed without a statement of reasons, or a protest listing the internal 4-digit parcel ID number.**

- A protest must state the interest of the protesting party, their mailing address, **and reference the specific COC 5-digit serial number being protested.**
- You may file a protest by mail in hardcopy form or by telefax directly to the BLM Colorado State Office. You may not file a protest by electronic mail. A protest filed by fax must be sent to **303-239-3799**. A protest sent to a fax number other than the fax number identified or a protest filed by electronic mail will be dismissed.
- If the party signing the protest is doing so on behalf of an association, partnership or corporation, the signing party must reveal the relationship between them. For example, unless an environmental group authorizes an individual member of its group to act for it, the individual cannot make a protest in the group's name.

**If BLM receives a timely protest of a parcel advertised on this Sale Notice, how does it affect bidding on the parcel?**

We will announce receipt of any protests at the beginning of the sale. We will also announce a decision to either withdraw the parcel or proceed with offering it at the sale.

**If I am the high bidder at the sale for a protested parcel, when will BLM issue my lease?**

We will issue no lease for a protested parcel until the State Director makes a decision on the protest. If the State Director denies the protest, we will issue your lease concurrently with that decision.

**If I am the successful bidder of a protested parcel, may I withdraw my bid and receive a refund of my first year's rental and bonus bid?**

No. In accordance with BLM regulations (43 CFR 3120.5-3) you may not withdraw your bid.

**If BLM upholds the protest, how does that affect my competitive bid?**

If we uphold a protest and withdraw the parcel from leasing, we will refund your first year's rental, bonus bid and administrative fee. If the decision upholding the protest results in additional stipulations, we will offer you an opportunity to accept or reject the lease with the additional stipulations prior to lease issuance. If you do not accept the additional stipulations, we will reject your bid and we will refund your first year's rental, bonus bid and administrative fee.

**If BLM's decision to uphold the protest results in additional stipulations, may I appeal that decision?**

Yes, you may. **NOTE:** an appeal from the State Director's decision must meet the requirements of Title 43 CFR §4.411 and Part 1840.

**May I appeal BLM's decision to deny my protest?**

Yes, you may. **NOTE:** an appeal from the State Director's decision must meet the requirements of Title 43 CFR §4.411 and Part 1840.

**May I withdraw my bid if the protestor files an appeal?**

No. If the protestor appeals our decision to deny the protest, you may not withdraw your bid. We will issue your lease concurrently with the decision to deny the protest. If resolution of the appeal results in lease cancellation, we will authorize refund of the bonus bid, rentals and administrative fee if—

- there is no evidence that the lessee(s) derived any benefit from possession of the lease during the time they held it; and
- there is no indication of bad faith or other reasons not to refund the rental, bonus bid and administrative fee.

**FOREST SERVICE PARCELS:** All bidders are hereby notified that stipulations for parcels located within the administrative boundaries of some Forest Service units are described in terms of the appropriate Forest Plan. Copies of the original maps and stipulations may be reviewed in the appropriate District Ranger's Office, the Forest Supervisor's Office, or the Rocky Mountain Regional Forester's Office at 740 Simms St., Lakewood, Colorado (303) 275-5090. Information for parcels located within Forest Service boundaries may also be viewed at the following website by selecting the bulleted item for Stipulations and Maps for Forest Service Administered Parcels under the sale date:

[http://www.blm.gov/co/st/en/BLM\\_Programs/oilandgas/leasing.html](http://www.blm.gov/co/st/en/BLM_Programs/oilandgas/leasing.html)

**NOTE:** The posting of this notice serves to withdraw the lands listed herein from filings under 43 CFR 3110.1(a)(1)(ii).

**Who should I contact if I have questions?**

If you have questions on BLM stipulations, lease notices, etc., please contact the appropriate BLM Field Office for assistance. If you have questions on another surface management agency's stipulations or restrictions, etc., for parcels under their surface management jurisdiction, please contact that agency.

For general information about the competitive oil and gas lease sale process, or this Lease Sale Notice, you may e-mail or call:

Mr. Kristian Lee: e-mail [klee@co.blm.gov](mailto:klee@co.blm.gov). Telephone number (303) 239-3786

Mrs. Nancy McCarty: e-mail [nmccarty@co.blm.gov](mailto:nmccarty@co.blm.gov). Telephone number (303) 239-3780

Karen Zurek  
Chief, Fluid Minerals Adjudication



## SURFACE MANAGEMENT AGENCY DESCRIPTION

The list of parcels offered for competitive sale includes a description of the surface management agency(ies) involved. Where the surface is administered by a federal agency other the BLM, the coordinating BLM District And Resource Area Offices are depicted immediately below. The following abbreviations are used:

	<b>Surface Management Agencies</b>
BLM	Bureau of Land Management
PVT	Private surface
FS	Forest Service surface
BOR	Bureau of Reclamation surface
DOE	Department of Energy surface
NF	National Forest
NG	National Grassland
STCO	State of Colorado
	<b>BLM District Offices</b>
CDO	Craig District Office
CCDO	Canon City District Office
MDO	Montrose District Office
GJDO	Grand Junction District Office
	<b>BLM Resource Area Offices</b>
KRA	Kremmling Resource Area (CDO)
LSRA	Little Snake Resource Area (CDO)
WRRRA	White River Resource Area (CDO)
GJRA	Grand Junction Resource Area (GJDO)
GSRA	Glenwood Springs Resource Area (GJDO)
UBRA	Uncompahgre Basin Resource Area (MDO)
GBRA	Gunnison Basin Resource Area (MDO)
SJRA	San Juan Resource Area (MDO)
*NERA	Northeast Resource Area (CCDO)
SLRA	San Luis Resource Area (CCDO)
RGRA	Royal Gorge Resource Area (CCDO)

\*The Northeast Resource Area (NERA) has been merged into the Royal Gorge Resource Area (RGRA)

Sample Number 1: PVT; BLM; CCDO: NERA (This entry shows the parcel contains both private and BLM surface located in the Canon City District Office in the Northeast Resource Area.)

Sample Number 2: FS; Routt NF; CDO: LSRA (This entry shows the parcel is Forest Service land in the Routt National Forest. The coordinating BLM office is in the Little Snake Resource Area in the Craig District.)

THE FOLLOWING PUBLIC DOMAIN LANDS ARE SUBJECT TO FILINGS IN THE MANNER SPECIFIED IN THE APPLICABLE PORTIONS OF THE REGULATIONS IN 43 CFR, SUBPART 3120.

**PARCEL ID: 6003 SERIAL #: COC74900**

T. 0050S., R 1010W., 6TH PM  
Sec. 19: Lot 9-12;  
T. 0050S., R 1020W., 6TH PM  
Sec. 13: E2SW;  
Sec. 25: NE,N2NW,SEnw;

Garfield County  
Colorado 520.640 Acres

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

All lands are subject to Exhibit WR-CSU-01 to protect fragile soils.

The following lands are subject to Exhibit WR-CSU-06 to protect Colorado River cutthroat trout habitat:

T. 0050S., R 1010W., 6TH PM  
Sec. 19: Lot 12;

All lands are subject to Exhibit WR-LN-02 to alert lessee of potential requirements to protect paleontological values.

The following lands are subject to Exhibit WR-NSO-01 to protect potential landslide areas:

T. 0050S., R 1010W., 6TH PM  
Sec. 19: Lot 9-12;  
T. 0050S., R 1020W., 6TH PM  
Sec. 25: NE,N2NW,SEnw;

All lands are subject to Exhibit WR-TL-09 to protect deer and elk summer range.

PVT/BLM; CDO: WRRRA

**PARCEL ID: 5903 SERIAL #: COC74901**

T. 0020N., R 0790W., 6TH PM  
Sec. 5: Lot 1,5-8;  
Sec. 5: S2NE,W2SW,S2SE;  
Sec. 6: SENE,E2SE;  
Sec. 7: SENE,E2SE;  
Sec. 8: SENE,W2,E2SE;

Grand County  
Colorado 1093.660 Acres

All lands are subject to Exhibit CO-09 to protect big game winter habitat.

The following lands are subject to Exhibit CO-15 to protect grouse winter habitat:

T. 0020N., R 0790W., 6TH PM  
Sec. 8: S2SW,E2SE;

The following lands are subject to Exhibit CO-27 to protect steep slopes:

T. 0020N., R 0790W., 6TH PM  
Sec. 5: Lot 1,5;  
Sec. 5: S2NE,NWSW;  
Sec. 8: NWNW;

The following lands are subject to Exhibit CO-28 to protect riparian/wetland vegetation:

T. 0020N., R 0790W., 6TH PM  
Sec. 6: SENE;  
Sec. 7: SENE,SESE;  
Sec. 8: N2NW,S2SW,SESE;

All lands are subject to Exhibit CO-29 to alert lessee of Class I and II paleontological area inventory requirement.

All lands are subject to Exhibit CO-30 to alert lessee of closure period for nesting grouse species.

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

PVT/BLM; CDO: KRA

**PARCEL ID: 6006 SERIAL #: COC74902**

T. 0030N., R 0960W., 6TH PM  
Sec. 32: NESE,S2SE;  
Sec. 33: S2;  
Sec. 34: Lot 3,5,10;  
Sec. 34: SWNW,N2SW,SWSW;  
Sec. 35: SENW,NESW,S2SW,SE;

Rio Blanco County  
Colorado 1020.160 Acres

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

All lands are subject to Exhibit WR-CSU-01 to protect fragile soils.

All lands are subject to Exhibit WR-LN-02 to alert lessee of potential requirements to protect paleontological values.

The following lands are subject to Exhibit WR-NSO-01 to protect potential landslide areas:

T. 0030N., R 0960W., 6TH PM  
Sec. 33: NESE;  
Sec. 34: Lot 3;  
Sec. 34: SWNW,N2SW;  
Sec. 35: E2SW,W2SE;

All lands are subject to Exhibit WR-TL-09 to protect deer and elk summer range.

BLM; CDO: WRRRA

**PARCEL ID: 6004 SERIAL #: COC74903**

T. 0020N., R 0970W., 6TH PM  
Sec. 2: Lot 7,8;  
Sec. 2: S2NW,W2SW;  
Sec. 11: W2;  
Sec. 14: W2;  
Sec. 15: NE,SW;  
Sec. 22: N2NE,SWNE;  
Sec. 24: NENW;

Rio Blanco County  
Colorado 1359.000 Acres

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

The following lands are subject to Exhibit WR-CSU-01 to protect fragile soils:

T. 0020N., R 0970W., 6TH PM  
Sec. 2: Lot 7,8;  
Sec. 2: SENW,W2SW;  
Sec. 11: W2;  
Sec. 14: W2;  
Sec. 15: NE,SW;  
Sec. 22: N2NE;  
Sec. 24: NENW;

All lands are subject to Exhibit WR-LN-02 to alert lessee of potential requirements to protect paleontological values.

The following lands are subject to Exhibit WR-NSO-01 to protect potential landslide areas:

T. 0020N., R 0970W., 6TH PM  
Sec. 11: W2;  
Sec. 14: NW,NWSW;  
Sec. 15: SW;  
Sec. 24: NENW;

The following lands are subject to Exhibit WR-TL-08 to protect big game severe winter range:

T. 0020N., R 0970W., 6TH PM  
Sec. 2: SWSW;  
Sec. 11: W2;  
Sec. 14: W2;  
Sec. 15: NE,SW;  
Sec. 22: N2NE,SWNE;  
Sec. 24: NENW;

The following lands are subject to Exhibit WR-TL-09 to protect deer and elk summer range:

T. 0020N., R 0970W., 6TH PM  
Sec. 2: Lot 7,8;  
Sec. 2: S2NW,W2SW;

BLM; CDO: WRRRA

**PARCEL ID: 6007 SERIAL #: COC74904**

T. 0020N., R 0970W., 6TH PM  
Sec. 6: Lot 8-14;  
Sec. 6: S2NE,SENE,E2SW,SE;  
Sec. 7: SENE;  
T. 0020N., R 0980W., 6TH PM  
Sec. 11: Lot 7-9,11-20;  
Sec. 11: NESW;  
Sec. 12: Lot 1-3,9-11,15,17,18;  
Sec. 12: Lot 20,27,28,30,36;  
Sec. 12: E2NE;

Rio Blanco County  
Colorado 1288.040 Acres

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

All lands are subject to Exhibit WR-CSU-01 to protect fragile soils.

The following lands are subject to Exhibit WR-CSU-02 to protect areas of critical environmental concern:

T. 0020N., R 0980W., 6TH PM  
Sec. 12: Lot 3,9,27,36;

The following lands are subject to Exhibit WR-CSU-05 to protect bald eagle roosts:

T. 0020N., R 0980W., 6TH PM  
Sec. 12: Lot 3,36;

All lands are subject to Exhibit WR-LN-02 to alert lessee of potential requirements to protect paleontological values.

The following lands are subject to Exhibit WR-LN-03 to alert lessee of potential restrictions due to wild horse habitat:

T. 0020N., R 0980W., 6TH PM  
Sec. 11: Lot 7-9,11-20;  
Sec. 12: Lot 11,27,28,30;

The following lands are subject to Exhibit WR-NSO-01 to protect potential landslide areas:

T. 0020N., R 0970W., 6TH PM  
Sec. 6: Lot 11,14;  
Sec. 6: SESW;  
Sec. 7: SENE;  
T. 0020N., R 0980W., 6TH PM  
Sec. 11: Lot 15,16,19,20;  
Sec. 12: Lot 1-3,9,27,28,36;

The following lands are subject to Exhibit WR-NSO-05 to protect bald eagle roosts:

T. 0020N., R 0980W., 6TH PM  
Sec. 12: Lot 3;

The following lands are subject to Exhibit WR-TL-05 to protect bald eagle winter roosts and concentration areas:

T. 0020N., R 0980W., 6TH PM  
Sec. 11: Lot 13;  
Sec. 12: Lot 1-3,9,10;

All lands are subject to Exhibit WR-TL-08 to protect big game severe winter range.

All lands are subject to Exhibit WR-TL-10 to protect sage grouse winter concentration areas.

BLM; CDO: WRRRA

## EXHIBIT CO-09

Lease Number:

### TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

December 1 through April 30

On the lands described below:

For the purpose of (reasons):

To protect big game (mule deer, elk, pronghorn antelope, and bighorn sheep) winter range, including crucial winter habitat and other definable winter range as mapped by the Colorado Division of Wildlife. This may apply to sundry notice that require an environmental analysis.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of the stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

An exception may be granted under mild winter conditions for the last 60 days of the closure.

## EXHIBIT CO-15

Lease Number:

### TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

December 16 through March 15

On the lands described below:

For the purpose of (reasons):

To protect grouse (including sage and mountain sharp-tailed grouse, and lesser and greater prairie chickens) crucial winter habitat

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of the stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)



EXHIBIT CO-27/GGNCA-13

Lease Number:

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints.

On the lands described below:

For the purpose of:

Protecting soils on surfaces greater than 40 percent slope. Prior to surface disturbance of steep (greater than 40 percent) an engineering/reclamation plan must be approved by the Authorized Officer. Such plans must demonstrate how the following will be accomplished:

- a. Site productivity will be restored.
- b. Surface runoff will be adequately controlled.
- c. Off-site areas will be protected from accelerated erosion such as drilling, gullying, piping, and mass wasting.
- d. Surface-disturbing activities will not be conducted during extended wet periods.
- e. Construction will not be allowed when soils are frozen.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

## EXHIBIT CO-28

Lease Number:

### CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints.

On the lands described below:

For the purpose of:

To protect perennial water impoundments and streams, and/or riparian/wetland vegetation by moving oil and gas exploration and development beyond the riparian vegetation zone.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820. See also Geothermal PEIS ROD section 2.3.3 at page 2-6.)

Exception Criteria:

Exceptions may be granted only if an on-site impact analysis shows no degradation of the resource values.

## EXHIBIT CO-29

Lease Number:

### LEASE NOTICE

An inventory of fossil resources in Class I and II paleontological areas must be performed by an accredited paleontologist approved by the Authorized Officer.

On the lands described below:

## EXHIBIT CO-30/GGNCA-15

Lease Number:

### LEASE NOTICE

In order to protect nesting grouse species, surface-disturbing activities proposed during the period between March 1 and June 30 will be relocated, consistent with lease rights granted and section 6 of standard lease terms, out of grouse nesting habitat.

Sage grouse nesting habitat is described as sage stands with sagebrush plants between 30 and 100 centimeters in height and a mean canopy cover between 15 and 40 percent.

Greater prairie chicken nesting habitat is described as tall to mid-grass communities with a mean height density index of 5.85 decimeters with 11 percent bare ground and an average height of sandsage at 84 centimeters; grasses 111 centimeters; and forbs 83 centimeters. (Nesting occurs within an average distance of 2.4 km of a lek.)

Lesser prairie chicken nesting habitat is described as short-mid grass and sandsage communities with a mean height density index of 3.5 decimeters with an average grass canopy coverage of 30 percent and 7 percent sandsage. The predominate plant associated with nesting cover is sandsage with an average height of 40-50 centimeters. (Nesting occurs within an average distance of 1.8 km [.2 to 4.8 km] of the lek site.)

Sharptail grouse nesting habitat is described as mountain shrub communities with a density of shrub plants from 1,700 to 32,000 shrubs per hectare and average shrub height of 30 centimeters. Nests are found primarily in shrub clumps where the shrubs are taller than average. (Nesting occurs within an average distance of 2 km of a lek.)

On the lands described below:

## EXHIBIT CO-34

Lease Number:

### ENDANGERED SPECIES ACT SECTION 7 CONSULTATION STIPULATION

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq., including completion of any required procedure for conference or consultation.

On the lands described below:

## EXHIBIT CO-39

Lease Number:

### CONTROLLED SURFACE USE

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O.13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

On the lands described below:

## EXHIBIT WR-CSU-01

Lease Number:

### CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints:

Surface disturbing activities will be allowed in these areas only after an engineered construction/reclamation plan is submitted by the operator and approved by the Area Manager. The following items must be addressed in the plan: 1) How soil productivity will be restored; 2) How surface runoff will be treated to avoid accelerated erosion such as riling, gullying, piping, and mass wasting.

On the lands described below:

For the purpose of:

PROTECTING FRAGILE SOILS ON SLOPES GREATER THAN 35 PERCENT &  
SALINE SOILS

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

#### EXCEPTION:

An exception may be granted by the Area Manager if an environmental analysis of the proposed action identifies that the scale of the operation would not result in any long-term decrease in site productivity or increased erosion. An exception may also be granted by the Area Manager if a more detailed soil survey determines that soil properties associated with the disturbance do not meet fragile soil criteria.

MODIFICATION: None

WAIVER: None

## EXHIBIT WR-CSU-02

Lease Number:

### CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints:

These Areas of Critical Environmental Concern (ACEC) are known to contain, or have potential to contain, threatened or endangered plants or plants that are candidates for listing as threatened or endangered, State of Colorado plant species of concern, Bureau of Land Management sensitive plants, remnant vegetation associations, and/or unique plant communities. A plant inventory will be conducted prior to approving any surface disturbing activities within the ACEC boundaries. Surface disturbance will not be allowed within mapped locations of these plants. The presence of the above listed plants would require relocating surface disturbance or facilities more than 200 meters. The timing required for conducting the plant inventories may require deferring activities longer than 60 days.

On the lands described below:

For the purpose of:

Protecting: ACECs

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

#### EXCEPTION:

This stipulation may be excepted by the Area Manager if an environmental analysis of the proposed action indicates that the plants of concern would not be affected.

MODIFICATION: None

WAIVER: None



## EXHIBIT WR-CSU-05

Lease Number:

### CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints:

Prior to authorizing surface disturbance within this area, and pending conferral or consultation with the U.S. Fish & Wildlife Service as required by the Endangered Species Act, the Area Manager may require the proponent/applicant to submit a plan of development that would demonstrate that:

- 1) involvement of cottonwood stands or cottonwood regeneration areas have been avoided to the extent practicable;
- 2) special reclamation measures or design features are incorporated that would accelerate recovery and/or reestablishment of affected cottonwood communities;
- 3) the pre-development potential of affected floodplains to develop or support riverine cottonwood communities has not been diminished; and
- 4) the current/future utility of such cottonwood substrate for bald eagle use would not be impaired.

On the lands described below:

For the purpose of:

#### PROTECTING BALD EAGLE NEST, ROOST, & PERCH SUBSTRATE

This is a controlled surface use area for maintaining the long term suitability, utility and development opportunities for specialized habitat features involving nest, roost, and perch substrate on Federal lands.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

EXHIBIT WR-CSU-05 (continued)

EXCEPTION:

The Area Manager may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect the long term suitability or utility of habitat features or diminish opportunities for natural floodplain functions. Surface disturbance and occupation may also be authorized in the event that established impacts to habitat values would be compensated or offset to the satisfaction of the Bureau of Land Management in consultation with U.S. Fish & Wildlife Service and Colorado Division of Wildlife.

MODIFICATION: Integral with exception and stipulation.

WAIVER: None

## EXHIBIT WR-CSU-06

Lease Number:

### CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints:

Prior to authorizing surface disturbance of occupied stream reaches or within watersheds contributing to occupied habitats, the Area Manager may require the proponent/applicant to submit a plan of development that would demonstrate that the proposed action would not:

- 1) increase stream gradient;
- 2) result in a net increase in sediment contribution;
- 3) decrease stream channel sinuosity;
- 4) increase the channel width to depth ratio;
- 5) increase water temperature;
- 6) decrease vegetation derived stream shading; and
- 7) degrade existing water quality parameters, including specific conductance, turbidity, organic/inorganic contaminant levels, and dissolved oxygen in occupied reaches or contributing perennial or intermittent tributaries.

If approvals are granted and development results in these standards being exceeded, additional measures would be required to correct the deficiencies. The proponent may be required to monitor stream/channel responses throughout the life of the project.

On the lands described below:

EXHIBIT WR-CSU-06 (continued)

For the purpose of:

Protecting: COLORADO RIVER CUTTHROAT TROUT HABITAT.

This is a controlled surface use area for protecting aquatic habitats occupied by populations of Colorado River cutthroat trout.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

EXCEPTION:

The Area Manager may authorize surface disturbance in these areas if an environmental analysis indicates that the project would have no adverse influence on identified stream characteristics.

MODIFICATION:

Short term transgressions of the stream characteristics listed above may be allowed if the Area Manager determines, through environmental analysis, that short term deviations will have no adverse consequences on affected channel reaches beyond the construction phase of the project.

WAIVER:

In the event the population status of Colorado River cutthroat trout warrants downgrading, this stipulation may be replaced by less stringent criteria.

## EXHIBIT WR-LN-02

Lease Number:

### LEASE NOTICE

**PALEONTOLOGICAL VALUES:** This lease encompasses a Class I paleontological area and has the potential to contain important fossils. Prior to authorizing surface disturbing activities, the Bureau of Land Management will make a preliminary determination as to whether potential exists for the presence of fossil material. If potential exists for the presence of valuable fossils, the area will be required to have a Class I paleontological survey completed. Mapped fossil sites will be protected by applying the appropriate mitigation to the use authorization. Mitigation may involve the relocation of disturbance in excess of 200 meters, or excavation and recording of the fossil remains. Certain areas may require the presence of a qualified paleontologist to monitor operations during surface disturbing activities. Bureau of Land Management will determine the disposition of any fossils discovered and excavated.

On the lands described below:

## EXHIBIT WR-LN-03

Lease Number:

### LEASE NOTICE

**WILD HORSE HABITAT:** This lease parcel encompasses a portion of a wild horse herd management area. In order to protect wild horses within this area, intensive development activities may be delayed for a specified 60-day period within the spring foaling period between March 1 and June 15.

The lessee may be required to perform special conservation measures within this area including:

1. Habitat improvement projects in adjacent areas if development displaces wild horses from critical habitat.
2. Disturbed watering areas would be replaced with an equal source of water, having equal utility.
3. Activity/improvements would provide for unrestricted movement of wild horses between summer and winter ranges.

On the lands described below:

## EXHIBIT WR-NSO-01

Lease Number:

### NO SURFACE OCCUPANCY STIPLATION

No surface occupancy or use is allowed on the lands described below:

For the purpose of:

PROTECTING LANDSLIDE AREAS. Identified soils are considered unstable and subject to slumping and mass movement. Surface occupancy will not be allowed in such areas delineated from U.S. Department of Agriculture Soil Conservation Service Order III Soil Surveys.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

#### EXCEPTION:

The Area Manager may authorize surface occupancy if an environmental analysis finds the nature of the proposed action could be conditioned so as not to impair the stability of the landslide areas. An exception may also be granted if a more detailed soil survey, that is, Order I, conducted by a qualified soil scientist, finds the soil properties associated with the proposed action are not susceptible to slumping and mass movement.

#### MODIFICATION:

Site specific modifications may be granted by the Area Manager pending determination that a portion of the soil units meet the following conditions:

1. Inclusions within the soil unit where slopes are less than 35 percent.
2. A more detailed survey identifies and delineates wet areas and sloping rock formations, and the proposed action is designed to avoid those areas.
3. The proposed action utilizes land treatments and soil stabilization practices that will demonstrate a high probability of reducing soil loss and preventing degradation of water quality.
4. The proposed action would not cause slumping or mass movement as demonstrated through engineering and design criteria.

WAIVER: None

## EXHIBIT WR-NSO-04

Lease Number:

### NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below:

For the purpose of:

Protecting: SAGE GROUSE LEKS. This area encompasses sage grouse leks. Surface occupancy is not allowed within 1/4 mile of identified lek sites.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

#### EXCEPTION:

An exception may be granted by the Area Manager if an environmental analysis determines that the action, as proposed or conditioned, would not impair the function or utility of the site for current or subsequent reproductive display, including daytime loafing/staging activities.

#### MODIFICATION:

The no surface occupancy area may be modified in extent, or substituted with a timing limitation, by the Area Manager if an environmental analysis finds that a portion of the area is nonessential to site utility or function, or that the proposed action could be conditioned so as not to impair the function or utility of the site for current or subsequent reproductive display, including daytime loafing/staging activities. The stipulation may also be modified if the proponent, Bureau of Land Management, Colorado Division of Wildlife, and where necessary, other affected interest, negotiate compensation that satisfactorily offsets anticipated impacts to sage grouse breeding activities and/or habitats.

#### WAIVER:

This stipulation may be waived if, in cooperation with the Colorado Division of Wildlife, it is determined that the site has been permanently abandoned or unoccupied for a minimum of five years; site conditions have changed such that there is no reasonable likelihood of site occupation for a subsequent minimum period of 10 years.



## EXHIBIT WR-NSO-05

Lease Number:

### NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below:

For the purpose of:

Protecting: BALD EAGLE ROOSTS. This area encompasses bald eagle nocturnal roosts and/or concentration areas. Surface occupancy is not allowed within 1/4 mile of designated features.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

#### EXCEPTIONS:

An exception may be granted by the Area Manager if authorization is obtained from the U.S. Fish & Wildlife Service (through applicable provisions of the Endangered Species Act, Eagle Protection Act, or Migratory Bird Treaty Act), to interrupt roosting activities and/or cause short or long-term adverse modification of suitable roost site characteristics. The Area Manager may also grant an exception if an environmental analysis indicates that the nature or conduct of the action, as proposed or conditioned, would not impair the function or utility of the site for current or subsequent roosting activities or occupancy.

#### MODIFICATIONS:

The no surface occupancy stipulation may be modified by the Area Manager if an environmental analysis indicates that a portion of the area is nonessential to roost site function or utility; or that the proposed action could be conditioned to not impair the function or utility of the site for current or subsequent roosting activities or occupancy. The stipulation may also be modified commensurate with changes in species status.

#### WAIVER:

The stipulation may be waived if the species becomes extinct or if the site has failed to support roosting activities over a minimum three-year period. A waiver may also apply if the area has changed such that there is no reasonable likelihood of site occupation for a subsequent minimum period of 10 years.

## EXHIBIT WR-TL-05

Lease Number:

### TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

No development is allowed within 1/2 mile of identified sites from November 15 through April 15. (Development activities will be allowed from April 16 through November 14.)

On the lands described below:

For the purpose of (reasons):

Protecting: BALD EAGLE WINTER ROOSTS & CONCENTRATION AREAS. This area encompasses bald eagle winter roosts and concentration areas.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

#### EXCEPTION:

An exception may be granted to these dates by the Area Manager, if authorization is obtained from the U.S. Fish & Wildlife Service (through applicable provisions of the Endangered Species Act, Eagle Protection Act, or Migratory Bird Treaty Act) to harass, harm, wound, or kill in the context of ongoing roosting activities and/or short or long term adverse modification of suitable roost site characteristics. An exception can also be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity (through Section 7 consultation) which fully offset losses associated with project implementation.

#### MODIFICATION:

The Area Manager may modify the size of the stipulation area or time frames if an environmental analysis indicates that a portion of the area is nonessential to roost site function and utility, or that the proposed action could be conditioned so as not to impair the utility of the roost site for current or subsequent roosting activities or occupancy.

#### WAIVER:

A waiver may be granted if the species becomes extinct, the site has failed to support roosting activities over a minimum three year period, or if the site conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.

## EXHIBIT WR-TL-08

Lease Number:

### TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

No development activity is allowed from December 1 through April 30. (Development activities are allowed from May 1 through November 30.)

On the lands described below:

For the purpose of (reasons):

PROTECTING BIG GAME SEVERE WINTER RANGE. This area encompasses big game severe winter range.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

#### EXCEPTION:

The Area Manager may grant an exception if an environmental analysis indicates that the proposed action could be conditioned as not to interfere with habitat function or compromise animal condition within the project activity. An exception may also be granted if the proponent, Bureau of Land Management, and Colorado Division of Wildlife negotiate compensation that would satisfactorily offset anticipated impacts to big game winter activities or habitat condition. Under mild winter conditions, when prevailing habitat or weather conditions allow early dispersal of animals from all or portions of a project area, an exception may be granted to suspend the last 60 days of this seasonal limitation. Severity of winter will be determined on the basis of snow depth, snow crusting, daily mean temperatures, and whether animals were concentrated on the winter range during the winter months. Exceptions may also be granted for actions specifically intended to enhance the long term utility or availability of suitable habitat.

## EXHIBIT WR-TL-08 (continued)

### MODIFICATION:

The Area Manager may modify the size and time frames of this stipulation if Colorado Division of Wildlife monitoring information indicates that current animal use patterns are inconsistent with dates established for animal occupation. Modifications may also be authorized if the proposed action could be conditioned so as not to interfere with habitat function or compromise animal condition. In addition, if the proponent, Bureau of Land Management, and Colorado Division of Wildlife agree to habitat compensation that satisfactorily offsets detrimental impacts to activity or habitat condition.

### WAIVER:

This stipulation may be waived if the Colorado Division of Wildlife determines that all or specific portions of the area no longer satisfy this functional capacity.

## EXHIBIT WR-TL-09

Lease Number:

### TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

This stipulation will not take effect until direct and indirect impacts to suitable summer range habitats exceed 10 percent of that available within the individual Game Management Units (GMU). When this threshold has been reached, no further development activity will be allowed from May 15 through August 15. (Development is allowed until 10 percent of individual GMU summer habitat has been affected, then additional development is allowed from August 16 through May 14.)

On the lands described below:

For the purpose of (reasons):

Protecting: DEER & ELK SUMMER RANGE. This area is located within deer and elk summer ranges, which due to limited extent, are considered critical habitat within appropriate Colorado Division of Wildlife GMUs.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

#### EXCEPTION:

The Area Manager may grant an exception if an environmental analysis indicates that the proposed action could be conditioned to have no additional influence on the utility or suitability of summer range habitats. An exception may also be granted if the proponent, Bureau of Land Management, and Colorado Division of Wildlife negotiate compensation that would satisfactorily offset anticipated impacts to summer range function or habitat. Exceptions may also be granted for actions specifically intended to enhance the long term utility or availability of suitable habitat.

## EXHIBIT WR-TL-09 (continued)

### MODIFICATION:

The Area Manager may modify the size and time frames of this stipulation if Colorado Division of Wildlife monitoring information indicates that current animal use patterns are inconsistent with dates established for animal occupation. Modifications may also be authorized if the proposed action could be conditioned to have no additional influence on the utility or suitability of summer range habitats.

### WAIVER:

This stipulation may be waived if the Colorado Division of Wildlife determines that all or specific portions of the area no longer satisfy this functional capacity or that these summer ranges no longer merit critical habitat status. Waivers will also be applied to delineated summer range occurring below 2,250 meters (7,350 feet) in elevation.

## EXHIBIT WR-TL-10

Lease Number:

### TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

No development activity will be allowed between December 16 and March 15.  
(Development activities will be allowed from March 16 through December 15.)

On the lands described below:

For the purpose of (reasons):

Protecting: SAGE GROUSE WINTER CONCENTRATION AREAS.

This area encompasses sagebrush habitats that are occupied by wintering concentrations of grouse, or represent the only habitats that remain available for use during periods of heavy snowpack. The Colorado Division of Wildlife has indicated that these features exist on public lands within the White River Resource Area but have not yet delineated specific areas that will be subject to this timing restriction.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

#### EXCEPTION:

Specific exception language will be developed in cooperation with the Colorado Division of Wildlife after the affected areas have been delineated.

#### MODIFICATION:

Specific modification language will be developed in cooperation with the Colorado Division of Wildlife after the affected areas have been delineated.

WAIVER: Specific waiver language will be developed in cooperation with the Colorado Division of Wildlife after the affected areas have been delineated.